

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 611
Committee Substitute Favorable 4/23/97
Senate Judiciary Committee Substitute Adopted 6/9/97

Short Title: Increase Comp. for Err. Conviction.

(Public)

Sponsors:

Referred to: Appropriations.

March 25, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS
3 ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED
4 PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM
5 STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL
6 COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 148-82 reads as rewritten:

9 "**§ 148-82. Provision for compensation.**

10 Any person who, having been convicted of a felony and having been imprisoned
11 therefor in a State prison of this State, and who was thereafter or who shall hereafter be
12 ~~pardoned~~ granted a pardon of innocence by the Governor upon the grounds that the crime
13 with which ~~he~~ the person was charged either was not committed at all or was not
14 committed by ~~him~~ that person, may as hereinafter provided present by petition a claim
15 against the State for the pecuniary loss sustained by ~~him~~ the person through his or her
16 erroneous conviction and ~~imprisonment~~ imprisonment, provided the petition is presented
17 within five years of the granting of the pardon."

18 Section 2. G.S. 148-83 reads as rewritten:

1 **"§ 148-83. Form, requisites and contents of petition; nature of hearing.**

2 Such petition shall be addressed to the ~~Department of Correction,~~ Industrial
3 Commission, and must include a full statement of the facts upon which the claim is
4 based, verified in the manner provided for verifying complaints in civil actions, and it
5 may be supported by affidavits substantiating such claim. Upon its presentation the
6 ~~Department of Correction-~~ Industrial Commission shall fix a time and a place for a hearing,
7 and shall mail notice to the claimant, and shall notify the Attorney General, at least 15
8 days before the time fixed therefor."